

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 6th April, 2005 at 2.00 p.m.

Present: Councillor D.J. Fleet (Chairman)
Councillor R. Preece (Vice-Chairman)

Councillors: Mrs. P.A. Andrews, Mrs. W.U. Attfield, Mrs. E.M. Bew, A.C.R. Chappell, Mrs. S.P.A. Daniels, J.G.S. Guthrie, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, J.W. Newman, Mrs. J.E. Pemberton, Ms. G.A. Powell, Mrs. S.J. Robertson, W.J.S. Thomas, Ms. A.M. Toon, W.J. Walling, D.B. Wilcox and R.M. Wilson

In attendance: Councillors P.E. Harling, T.W. Hunt and J.B. Williams

134. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors P.J. Edwards, G.V. Hyde, J.C. Mayson, Miss F. Short and A.L. Williams.

135. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillors	Item	Interest
R.I. Matthews, Mrs. S.P.A. Daniels and Ms. A.M. Toon	Item 5 - DCCW2004/3917/F – Change of use to small school for pupils 11-16 years at: TRINITY HOUSE, 31 BARRICOMBE DRIVE, HEREFORD, HR4 0NU	R.I. Matthews declared a prejudicial interest and left the meeting for the duration of this item. Mrs. S.P.A. Daniels and Ms. A.M. Toon declared personal interests.
Ms. G.A. Powell	Item 7 - DCCE2005/0032/F – Retirement village / independent living scheme with village hall and restaurant, welfare and recreational facilities, administrative and care facilities, self- contained accommodation units and car parking at: LEDBURY ROAD NURSERIES, LEDBURY ROAD, HEREFORD	Declared a prejudicial interest and left the meeting for the duration of this item.

Ms. A.M. Toon	Item 9 - DCCE2005/0206/F – Erection of detached annexe at: 3 FOLLY LANE, HEREFORD, HEREFORDSHIRE, HR1 1LY	Declared a personal interest.
Mrs. S.P.A. Daniels	Item 11 - DCCE2005/0248/F – Two storey extension to provide double garage and study with two bedrooms over. Pitched roof over existing kitchen at: 175 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1JJ	Declared a personal interest.

Mr. K. Bishop, Principal Planning Officer, declared a personal interest in respect of item 12 (DCCE2005/0278/F - Erection of house, garage and annex and improvements to access drive at 53 Hampton Park Road, Hereford, Herefordshire, HR1 1TJ), but had left the meeting following item 5.

136. MINUTES

The Committee Officer circulated an amendment to Minute 126, page 7, of the Minutes relating to application DCCW2005/0034/F – Tesco Stores Ltd, Abbotsmead Road, Belmont, Hereford, HR2 7XS. The amended sentence read 'He was also concerned that the company had failed to adhere to condition ~~number 17~~ 10 of their original planning application not to deliver on Sundays *and condition 17 regarding the permanent removal of signage from the original Fuel Filling Station site*'.

RESOLVED:

Subject to the above amendment, the Minutes of the meeting held on 9th March, 2005 be approved as a correct record and signed by the Chairman.

137. ITEM FOR INFORMATION - APPEALS

The Sub-Committee received an information report in respect of planning appeals for the central area.

RESOLVED:

That the report be noted.

138. DCCW2004/3917/F - TRINITY HOUSE, 31 BARRICOMBE DRIVE, HEREFORD, HR4 ONU

Change of use to small school for pupils 11-16 years.

In accordance with the criteria for public speaking, Mrs. Mower spoke against the application and Mr. Starkey spoke in support of the application.

Councillor Mrs. P.A. Andrews, a Local Member, noted that consideration of this application had been deferred at the last meeting to enable further discussions to take place with local residents. Councillor Andrews noted that, whilst meetings had taken place, there did not appear to be a meeting of minds and that local residents remained very concerned about the impact of this application on the locality. Councillor Mrs. Andrews felt that the proposed use was inappropriate in this location,

particularly given highway safety concerns, fears about the potential for increased tensions and disturbances in the area, and the lack of recreation space for the pupils. For these reasons, she proposed that the application be refused as she felt it conflicted with policy H12 (Established Residential Areas – Character and Amenity) of the Hereford Local Plan.

Councillor Ms. A.M. Toon, a Local Member, also spoke about the misgivings of local residents.

The Legal Practice Manager clarified that fear or apprehension of wrongdoing was not a material planning consideration but impact on residential amenity was a potential reason for refusal.

Councillor W.J.S. Thomas questioned the suitability of the site for this use and felt that it would not offer the opportunities for development that the pupils deserved.

Councillor A.C.R. Chappell felt that there were no planning grounds to warrant refusal, noted the good reputation of Clifford House and expressed his regret that some representations had been negative about the vulnerable people that would benefit from this proposal. He did not accept that public order would be significantly affected by the proposal, particularly given the applicant's assertions about the teaching ratio and transportation arrangements. Councillor Chappell noted the problems being experienced in the community but stressed that it had nothing to do with these pupils.

Councillor Mrs. J.E. Pemberton felt it vitally important that all points of view were considered and felt it unfortunate that more Members had not taken up the invitation to visit the applicant's school in Leominster.

Councillor Mrs. S.P.A. Daniels, a Local Member, expressed concern that the proposed school might not follow state school term dates and, therefore, there was potential for traffic congestion over longer periods than usual.

In response to a question, the Principal Planning Officer advised that there was no indication of the start and end times of the educational day but this could be controlled through a condition.

Councillor Mrs. E.M. Bew commented that she had professional experience of children with learning difficulties and that, whilst residents often had very strong reservations at first, the perceptions of people often changed once such schools had become established.

Councillor Mrs. W.U. Attfield felt that there were no good planning reasons for refusal. Councillor Mrs. Attfield noted concerns about traffic problems in the area and questioned whether the start and end times of the educational day could be staggered to avoid disruption and congestion with other schools in the area; she added that there were significant vehicular movements associated with the previous uses of the site. Councillor Mrs. Attfield noted the community problems that needed to be addressed but felt that these would not go away if the school did not open and were unlikely to be exacerbated if it did.

Councillor D.B. Wilcox noted that many of the concerns centred around issues related to congestion at opening and closing times and proposed that Officers be authorised to negotiate times with Clifford House which would both take into account the operation of the school and the fears and concerns of local residents.

The Principal Planning Officer advised that the Traffic Manager had commented that

the extant use for offices was likely to be a higher overall generation of traffic over a working day than the proposed use. The Principal Planning Officer also advised the Sub-Committee of the risk of costs being awarded against the Authority if the application was refused and an appeal by the applicant was successful.

In order to take local residents' and Members' concerns into account, the Principal Planning Officer suggested that Officers be authorised to approve the application, in consultation with the Local Members and the Chairman, to approve the application subject to: a temporary two-year period to assess the impact of the use; a travel plan being required; a condition to be placed on usage times; and a condition to stagger opening and closing times to minimise disruption.

A motion to refuse the application was lost and the following resolution was then approved.

RESOLVED:

That Officers named in the Scheme of Delegation to Officers, in consultation with the Local Members and the Chairman, be authorised to approve the application subject to the following conditions and any further conditions or agreements felt to be necessary by Officers.

1. A01 (Time limit for commencement (full permission)).

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. A06 (Development in accordance with approved plans).

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3. The premises shall be used for up to 15 pupils.

Reason: In order to clarify the terms of the permission and in accordance with the applicant's letter dated 8th December 2004.

Informative:

1. N15 - Reason(s) for the Grant of PP/LBC/CAC.

139. [A] DCCE2004/4389/F AND [B] DCCE2004/4390/L - ABBEY GRANGE, 47 VENNS LANE, HEREFORD, HR1 1DT

Proposed single storey extension to provide office and 8 no. bedrooms with en-suite wcs.

The Team Leader Central advised that the applicant had clarified that the maximum staff numbers per shift.

In accordance with the criteria for public speaking, Mr. Ubhee spoke in support of the application.

Councillor D.B. Wilcox, a Local Member, noted that a number of residential care homes had closed in recent years, often a result of being too small, and spoke in support of the application as he felt it would enhance the viability of this care home. Councillor Wilcox commented on local concerns about parking but also noted that

the Traffic Manager had confirmed that the parking provision accorded with the requirements of a care home.

In response to questions from Members, the Central Team Leader advised that the loss of a day room would still leave two day rooms for residents, as well as other public areas, and this level of provision satisfied the requirements of the professional organisation that the applicant was affiliated to.

RESOLVED:

DCCE2004/4389/F

That planning permission be granted subject to the following conditions:

1 A01 (Time limit for commencement (full permission)).

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 A07 (Development in accordance with approved plans).

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3 B01 (Samples of external materials).

Reason: To ensure that the materials harmonise with the surroundings.

4 F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

5 F20 (Scheme of surface water drainage).

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

6 G01 (Details of boundary treatments).

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

7 G04 (Landscaping scheme (general)).

Reason: In order to protect the visual amenities of the area.

8 G05 (Implementation of landscaping scheme (general)).

Reason: In order to protect the visual amenities of the area.

9 H13 (Access, turning area and parking).

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

10 H27 (Parking for site operatives).

Reason: To prevent indiscriminate parking in the interests of highway safety.

Informatives:

- 1 HN10 - No drainage to discharge to highway.**
- 2 N15 - Reason(s) for the Grant of PP/LBC/CAC.**

DCCE2004/4390/L

That Listed Building Consent be granted subject to the following conditions:

- 1 C01 (Time limit for commencement (Listed Building Consent)).**

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 A07 (Development in accordance with approved plans).**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

Informative:

- 1 N15 - Reason(s) for the Grant of PP/LBC/CAC.**

140. DCCE2005/0032/F - LEDBURY ROAD NURSERIES, LEDBURY ROAD, HEREFORD

Retirement village/independent living scheme with village hall and restaurant, welfare and recreational facilities, administrative and care facilities, self-contained accommodation units and car parking.

The Central Team Leader advised that a site inspection was recommended given the local sensitivity of the proposal and its relative scale.

Councillor D.B. Wilcox, a Local Member, supported a site inspection and asked Officers to endeavour to address as many of the various concerns of residents as possible in the interim.

Councillor Mrs. P.A. Andrews felt that the original designs did not do justice to the area and hoped that discussions with the applicant would ensure that the designs were improved.

RESOLVED:

That a site inspection be held on the following grounds:

- The character or appearance of the development itself is a fundamental consideration (encompassing scale and design issues).**
- A judgement is required on visual impact.**
- The setting and surroundings are fundamental to the determination or to the conditions being considered (impact on neighbouring amenity in**

particular).

141. DCCW2005/0207/F - UNIT 2, POMONA WORKS, ATTWOOD LANE, HEREFORD

Continued use for distribution of sand and aggregates including retail for two years.

The Senior Planning Officer reported the receipt of a further letter of objection.

In response to a question, the Senior Planning Officer advised that the Traffic Manager had noted the extensive areas of mud coverage, plus loose gravel on the carriageway near the site and, therefore, a condition requiring wheel-washing equipment was recommended.

Councillor Mrs. S.J. Robertson, the Local Member, commented on the local concerns about mud and debris on the road and expressed surprise that the Environmental Health Manager had not received more complaints since 2002. Councillor Mrs. Robertson outlined ongoing discussions with Holmer Parish Council, the Police and the Highways Department regarding the condition of the road and anticipated that, with the recommended conditions and commitment from all parties, the situation could be resolved.

Councillor R.I. Matthews noted the importance of this employment site but felt that more should be done to enhance landscaping, surfacing and road condition. Therefore, it was proposed that Officers be authorised to approve the application, in consultation with the Local Member and the Chairman, subject to any conditions considered necessary.

In response to a question, the Senior Planning Officer advised that a further temporary permission might not provide the necessary incentive for the applicant to make the improvements being sought by Members.

Councillor D.B. Wilcox also felt that the surface of the yard and the condition of the road should be improved in order to safeguard the amenities of the area.

RESOLVED:

That Officers named in the Scheme of Delegation to Officers, in consultation with the Local Member and the Chairman, be authorised to approve the application subject to the following conditions and any further conditions felt to be necessary by Officers.

1. A01 (Time limit for commencement (full permission)).

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. E01 (Restriction on hours of working).

Reason: To safeguard the amenities of the locality.

3. E02 (Restriction on hours of delivery)

Reason: To safeguard the amenities of the locality.

4. The premises shall be used for the distribution of sand and aggregates, including retail associated with the approved use and for no other purpose.

Reason: To suspend the provisions of the Town and Country Planning (Use Classes) Order currently in force, in order to control the use of the site.

- 5. Within six months of the date of this permission wheel washing apparatus shall be provided in accordance with details to be submitted to and approved in writing by the local planning authority, and which shall be operated in accordance with terms to be agreed in writing with the local planning authority within three months of the date of this permission.**

Reason: To ensure the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

- 6. G04 (Landscaping scheme (general)).**

Reason: In order to protect the visual amenities of the area.

- 7. G05 (Implementation of landscaping scheme (general)).**

Reason: In order to protect the visual amenities of the area.

- 8. Within 6 months of the date of this permission hardstanding around the access area shall be provided on site in accordance with details to be submitted to, and agreed in writing by, the local planning authority. This area shall be laid out, consolidated, surfaced, drained and otherwise constructed in accordance with the approved details.**

Reason: In the interests of highway safety

Informatives:

- 1. HN01 - Mud on highway.**
- 2. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

142. DCCE2005/0206/F - 3 FOLLY LANE, HEREFORD, HEREFORDSHIRE, HR1 1LY

Erection of detached annexe.

The Senior Planning Officer advised the Sub-Committee of amendments to recommended conditions 4 and 6.

Councillor D.B. Wilcox, a Local Member, commented that he had misgivings about the proposal, particularly given the planning history of this site. However, he was grateful for the amended conditions to ensure that the annexe was tied to the associated dwelling and to ensure that the privacy of the adjacent dwelling was not compromised.

Councillor W.J. Walling felt that this area was becoming increasingly crowded to the detriment of the amenities of the area.

Councillor Mrs. M.D. Lloyd-Hayes noted that Officers had addressed the principal concerns.

In response to a question, the Senior Planning Officer advised that a Section 106

Agreement should only be pursued when conditions cannot address the matters of concern and, in this instance, conditions 3 and 4 would ensure the continued association of the annexe to the associated dwelling.

RESOLVED:

That planning permission be approved subject to the following conditions:

1 A01 (Time limit for commencement (full permission)).

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 B01 (Samples of external materials).

Reason: To ensure that the materials harmonise with the surroundings.

3 E15 (Restriction on separate sale).

Reason: It would be contrary to the policy of the local planning authority to grant consent for a separate dwelling in this location.

4. The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 3 Folly Lane. The use of this annexe specifically precludes its use for purposes associated with the care home utilisation of the main dwelling house.

Reason: It would be contrary to the policy of the local planning authority to grant planning permission for a separate dwelling in this location.

5 E18 (No new windows in specified elevation).

Reason: In order to protect the residential amenity of adjacent properties.

6. Prior to the use or occupation of the annexe hereby permitted, and at all times thereafter, the windows marked "X" on the approved plans shall be glazed with obscure glass only with opening restricted in accordance with details to be submitted to and agreed in writing by the local planning authority prior to the occupation of the annexe hereby authorised.

Reason: In order to protect the residential amenity of adjacent properties.

Informative:

1 N15 - Reason(s) for the Grant of PP/LBC/CAC.

143. DCCE2005/0405/F - PLOT IN GARDEN OF LAVENDA COURT GARDENS, FOWNHOPE, HR1 4PB

Erection of detached bungalow.

The Senior Planning Officer advised that the reason for the removal of permitted development rights was due to the restricted nature of site and in the interests of the control of the site. The Senior Planning Officer reported the receipt of the comments of Fownhope Parish Council.

In accordance with the criteria for public speaking, Mrs. Cooper spoke against the application and Mr. Prosser spoke in support of the application.

Councillor Mrs. J.E. Pemberton, the Local Member, felt that the Sub-Committee would benefit from a site inspection given the nature of the objections received.

Councillor R.M. Wilson asked Officers to investigate the impact of the proposal on an adjacent public right of way.

In response to a question, the Senior Planning Officer clarified the situation in respect of the trees on the site.

RESOLVED:

That a site inspection be held on the following ground:

- **The setting and surroundings are fundamental to the determination or to the conditions being considered.**

144. DCCE2005/0248/F - 175 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1JJ

Two storey extension to provide double garage and study with two bedrooms over. Pitched roof over existing kitchen.

In accordance with the criteria for public speaking, Mr. Jenkins spoke against the application and Mr. Quine spoke in support of the application.

The Legal Practice Manager clarified the legal principles regarding access via a neighbouring property and the operation of businesses from residential properties.

Councillor D.B. Wilcox, a Local Member, felt that a site inspection would assist Members given that a judgement was required on visual impact and the potential impact of the proposal on the amenities of a neighbouring property.

RESOLVED:

That a site inspection be held on the following grounds:

- **A judgement is required on visual impact.**
- **The setting and surroundings are fundamental to the determination or to the conditions being considered.**

145. DCCE2005/0278/F - 53 HAMPTON PARK ROAD, HEREFORD, HEREFORDSHIRE, HR1 1TJ

Erection of house, garage and annex and improvements to access drive.

Councillor Mrs. M.D. Lloyd-Hayes, a Local Member, proposed that a site inspection be held given some local residents' concerns about the potential impact of the proposal.

RESOLVED:

That a site inspection be held on the following grounds:

- The character or appearance of the development itself is a fundamental consideration.
- The setting and surroundings are fundamental to the determination or to the conditions being considered.

146. [A] DCCE2005/0436/F AND [B] DCCE2005/0440/L - WYE STREET STORE, WYE STREET, HEREFORD, HR2 7RB

Studio/exhibition space.

The Principal Planning Officer reported the receipt of correspondence in support of the application from Mr. Watkins, a member of the St. Martins Residents' and Traders' Association.

In accordance with the criteria for public speaking, Mr. Thomas spoke in support of the application. Mr. Kelly reserved the opportunity to speak against the application until the matter was brought back to the Sub-Committee following the site inspection.

Councillor A.C.R. Chappell, a Local Member, felt that a site inspection would assist Members given the concerns about the potential impact of the proposal on an adjacent dwelling and the sensitivity of the area.

RESOLVED:

That a site inspection be held on the following grounds:

- The character or appearance of the development itself is a fundamental consideration.
- A judgement is required on visual impact.
- The setting and surroundings are fundamental to the determination or to the conditions being considered.

147. DCCW2005/0393/F - 31 HOLMER ROAD, HEREFORD, HR4 9RX

Two storey and single storey rear extensions.

RESOLVED

That planning permission be granted subject to the following conditions:

1. **A01 (Time limit for commencement (full permission)).**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. **A06 (Development in accordance with approved plans).**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3. **B02 (Matching external materials (extension)).**

Reason: To ensure the external materials harmonise with the existing

building.

Informatives:

- 1. N03 - Adjoining property rights.**
- 2. N14 - Party Wall Act 1996.**
- 3. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

148. DATE OF NEXT MEETING

It was noted that the next scheduled meeting was Wednesday 4th May, 2005.

The meeting ended at 3.45 p.m.

CHAIRMAN